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# News from the Committee on Resources

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***U.S. House of Representatives***

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**For Immediate Release:  
July 10, 2002**

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## **Committee Approves ESA Reforms that Require Federal Agencies to Use Proven Science, Peer Review in Major ESA Decisions**

*Reforms will better protect species and people who coexist with them*

**Washington, D.C.** – The House Resources Committee today passed H.R. 4840, a bill to reform the Endangered Species Act, by a vote of 22-18. The bill, The Sound Science for the Endangered Species Act Planning Act of 2002, requires the federal government to rely on field-tested and empirical data in making major decisions under the Endangered Species Act, including the listing of species and determinations regarding critical habitat.

Similarly, the bill establishes a higher scientific threshold for petitioners wishing to list a species. There must be clear and convincing evidence the species is in peril. The bill requires that science used in major ESA decisions be peer-reviewed by a panel of scientists. Finally, the bill requires the federal government to take into an account the impact of an ESA mandate on the economy of a region.

### **Chairman James V. Hansen's Statement:**

“This legislation is a first step in fixing the Endangered Species Act, which over the years, has been blatantly abused by federal agencies and environmental groups alike. This law has impacted millions of people and has caused ruin for thousands more. One recognizable problem corrected by the bill is the ESA's lack of good science when making decisions that ultimately affect both the species and the people. This bill ensures the use of sound science through peer review and improves interagency cooperation between the federal agencies and states. As I have stated before, this will not fix everything that is wrong with the Act, but this is a common sense step in the right direction.”

### **Rep. Richard Pombo's Statement:**

“Passage of this bill is an attempt to ensure that the agencies charged with implementing the Endangered Species Act base their decisions on sound, peer-reviewed science. The Act is failing to protect and recover species, and is a major source of conflict with property owners. We hope this bill begins the process of resolving the shortcomings of the current law.”

(more)

**Rep. Greg Walden's Statement:**

“The crisis forced on the farmers and ranchers of the Klamath Basin is a tragic example of why the peer review of Endangered Species Act science is absolutely essential. The devastation that resulted in that community from the unjustified shut-off of irrigation water might well have been avoided if this bill had been public law two years ago. Peer review of data is a concept that is widely recognized within the medical and scientific communities, and it's time it is incorporated into the Endangered Species Act. Any time the federal government may undertake an effort that can have profound effects on people and communities; it should strive to make sure the data it uses is as close to definitive as possible. One of the most effective ways of doing that is to allow independent, unbiased scientists to review the work of government biologists and evaluate whether their data supports the actions they're recommending.”

**The bill's specifics include:**

- Requires federal agencies to give greater weight to scientific or commercial information that is empirical or has been field-tested.
- Requires the Secretary of the Interior to determine a species is threatened or endangered only if data collected in the field supports that decision.
- Revises the contents of a listing petition and establishes a higher scientific threshold for the petitioner to meet before the petition can be considered, including clear and convincing evidence that a species is in peril.
- Establishes a peer review process for numerous federal ESA activities, including listing a species, delisting a species, recovery plans and jeopardy opinions.
- Requires a peer review board to be empanelled on jeopardy opinions if the Secretary finds significant disagreement or significant economic impact in said opinions.
- Requires peer reviewers to be qualified individuals who meet the National Academy of Science standards.
- Mandates a panel of three appointees by the Secretary and two appointees by state governors who must submit a report within 90 days to the Secretary regarding the jeopardy opinions, including scientific validity of the decision and the panel's recommendations.

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